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Docket No. 1232-4635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ASR
2/6/04
Applicant(s): Takashi AIZAWA

Group Art Unit: 2615

Serial No.: 09/619,890

Examiner: Eric D. Wisdahl

Filed: July 20, 2000

For: ELECTRONIC DEVICE, CONTROL METHOD THEREFOR, AND STORAGE MEDIUM

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

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Sir:

I hereby certify that the attached:

1. Response to Restriction Requirement
2. Return Receipt Postcard
- 3.

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 26, 2004

By:

Stephen J. Manetta

Stephen J. Manetta
Registration No. 40,426

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

PATENT

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RESPONSE TO RESTRICTION REQUIREMENT

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COMMISSIONER OF PATENTS
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Alexandria, VA 22313-1450

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S I R:

This paper is submitted in response to the Restriction Requirement, dated December 24, 2003, that was issued in this case. Pursuant to 37 CFR §1.7, the date for filing this response without the need for an extension of time is January 26, 2004, as the due date of January 24, 2004 falls on a Saturday.

In response to the Restriction Requirement in which the pending claims 1-52 were subject to restriction, Applicant provisionally elects, with traverse, to prosecute Group I, claims 1-7, 41 and 47. In conjunction with this election, Applicant offers the following remarks.

In the Official Action, restriction under 35 U.S.C., §121 is required to one of the following groups of inventions:

I. Claims 1-7, 41 and 47 drawn to receiving the set value, from either the unit to an external unit and setting the set value including a set value which can only be set from an external unit, classified in class 348, subclass 207.11.

II. Claims 8-20, 42, 43, 48 and 49, drawn to the display of information relating to set values having been set by either the unit or an external unit including displaying that a set

value cannot be displayed or that the set value has been set by the external unit, classified in class 348, subclass 333.02.

III. Claims 21-28, 44 and 50, drawn to the acceptance or rejection of a set value from an external unit based on the set value which is to be set either corresponding to a mechanical display (or one which is displayed as a symbol on the body or on a switch which is mechanically manipulated) or some other set value, classified in class 348, subclass 373.

IV. Claims 29-40, 45, 46, 51, and 52, drawn to the operation and storage of two tables corresponding to set values received from either the unit itself or an external unit, classified in class 348, subclass 211.99.

For the reasons stated in the Office Action, it is the Examiner's position that restriction for examination purposes as indicated is proper because in as much as the inventions are alleged to be related as subcombinations disclosed as usable together in a single combination and that the subcombinations are distinct from each other because they are allegedly shown to have separate utility.

Applicants disagree with the restriction requirement and invention grouping identified by the Examiner and make the above election with traverse.

According to M.P.E.P. §803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (1) The inventions must be independent or distinct as claimed; and
- (2) There must be serious burden on the examiner if restriction is not required.

Applicants respectfully submit that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching would not be required; and (3) all claims should be examined together.

First, the Examiner has not shown that examination of all the pending claims would require undue searching and/or place a serious burden on the Examiner, which is the required showing for proper issuance of a restriction requirement.

It is respectfully submitted that it would not be unduly burdensome for the Examiner to search the classifications identified for all claimed inventions because of the overlap of classifications as identified by the Examiner. For example, the various groups have all been identified as falling under a single class: 348, with subclassification of each group in only one subclass: 207.11, 333.02, 373 and 211.99.

Moreover, Applicants respectfully note that Groups I, II, III and IV as set forth in the Official Action, each respectively relate to set values and various operations related thereto. For example, the claimed inventions of Groups I, II, III and IV are related at least in that each require set values: Group I, *inter alia*, enables a set value that can only be enabled from an external apparatus; Group II displays information that, *inter alia*, a displayed set value is set from an external apparatus; Group III allows a user to know the value of a set value and, *inter alia*, does not allow an external unit to change such set value; and Group IV provides, *inter alia*, a two table data structure for processing set values based on whether the executable operation is input by the external unit.

Accordingly Applicants respectfully traverse the requirement for restriction at least on the grounds that searching all of these inventions would not be unduly burdensome and, in fact, would be necessary to ensure a complete and exhaustive search for a proper examination on the merits of any one of the identified Groups of Inventions as a proper search should include the search directed to at least each of the other inventions as grouped in the Office Action.

In view of the foregoing, Applicants respectfully submit that the Requirement for Restriction is improper for at least the reasons stated, and requests that the Restriction Requirement be withdrawn and all filed claims (i.e., 1-52) be examined on the merits.

AUTHORIZATION

No fees are believed necessary in connection with this response. Should an extension of time be required, such extension is petitioned. The Commissioner is authorized to charge any fees or credit any overpayments which may be required for this paper to Deposit Account Number 13-4500, Order No. 1232-4635. A duplicate copy of this sheet is enclosed.


An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: January 26, 2004

By:


Stephen D. Manetta
Registration No. 40,426

Mailing address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800 (Telephone)/(212) 751-6849 (Facsimile)